

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2951 – SB 2917

April 20, 2010

SUMMARY OF AMENDMENTS (016372, 017376): States that a person violates the existing Class B misdemeanor to intentionally prevent or obstruct a process server from attempting to serve a legal document, including but not limited to a writ, execution, garnishment, notice, order or other process on either the person on whom the legal document is to be served or a supervisor at the supervisor's place of business if the supervisor knows that the person to be served is on the premises of the supervisor's place of business and the supervisor refuses to make the person available for service or refuses to permit the process server reasonable access in a public area of the business property to the person to be served during normal business hours. Defines "process server" as a public employee or a private person with the authority to serve process. Defines "supervisor" as a person who exercises control over a place of business.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – Not Significant
Increase State Expenditures – Not Significant

Increase Local Revenue – Not Significant
Increase Local Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Unchanged from the original fiscal note.

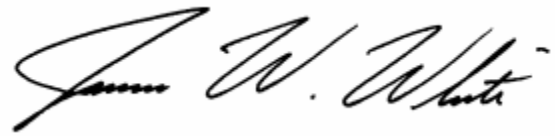
Assumptions applied to amendments:

- Currently, it is a Class B misdemeanor for a person to intentionally prevent or obstruct an officer of the state or a civil process server from serving or attempting to serve any legal writ or process. If the person uses a deadly weapon, it is a Class A misdemeanor.
- According to the AOC, there has been an average of 420 convictions per year for the past five years. Stating that a supervisor violates the existing misdemeanor by refusing to make the person available or permitting a process server reasonable access is not expected to have a significant increase in the number of convictions.

- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc